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Mythbusters NSA Prepublication Policy

(b)(3)-P.L. 86-36

February 2013



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Approved for release by NSA on 02-03-2017, FOIA Case #83930 (litigation)

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Why is there a policy?

- To protect classified and sensitive information
- To protect personnel

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One of three lifelong obligations

- Protect classified information
- Report security issues
- Prepublication review
 - but you do have a separate life while holding the clearance and after you've been debriefed

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Where does the policy reside?

- Generally, in NSA/CSS Policy 1-30
 - Issued December 15, 2004
 - Revised January 9, 2012
 - Lifelong obligation
- Specifically to the Research Directorate (which covers [REDACTED]), in Research Directorate Management Directive #5
 - Issued November 16, 2012
 - Initiated to clarify 1-30 for our situation
 - While working for the Research Directorate

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What does it cover?

- Classification review and Prepublication review of “official NSA/CSS information” intended for “public dissemination”

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“Official NSA/CSS information”

- From 1-30:
 - All DOD and/or IC information that is in the custody and control of NSA/CSS, relates to NSA/CSS information, or was obtained during the course of employment or other service with NSA/CSS
- From RD MD#5:
 - All information that is in the custody and control of NSA/CSS that was obtained for or generated on NSA/CSS' behalf during the course of employment or other service, whether contractual or not, with NSA/CSS

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“Public Dissemination”

- From 1-30:
 - Dissemination of information in a documentary form (including, but not limited to, written material, videos, and photographs) to one or more persons who do not have the appropriate access authorization, security clearance, and need-to-know to receive official NSA/CSS information

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TWO Capacities

- **Official:**
 - Acting on behalf of NSA/CSS
 - Working on an NSA project or with NSA information
- **Private:**
 - Acting on behalf on one's self and not in association with NSA
- Examples:
 - work that is not related to NSA
 - Personal activities while working at
 - After you separate from

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What to do if in an official capacity

- Driven by 1-30 (see page 2, para 1 for full description)
 - Public dissemination shall be limited only as necessary to safeguard information
 - Submit for classification review all official NSA/CSS information intended for public release...
 - Submit for pre-publication review all official NSA/CSS information intended for public release...
 - Ensure that any public dissemination of official NSA/CSS information is in accordance with this policy
 - Precludes monetary or non-monetary personal gain

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What to do if in a private capacity

- Driven by 1-30 and RD MD #5
- Two cases for RD personnel
 - No prepublication review
 - For RD personnel only
- Initial prepublication review resulting in a determination of whether or not prepublication review is necessary

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No prepublication review

- **Personnel acting in a private capacity:**

- If not using official NSA/CSS information that is not publicly available
 - If not using knowledge gained while working with NSA/CSS that is not available publicly
 - If it does not include any information that has been withheld for release under the Freedom of Information Act
 - Per RDMD #5 - If it does not note any affiliation, current or past, with NSA/CSS
 - Per Policy 1-30 – a disclaimer is used for any document in which an NSA/CSS affiliation is cited that the views and opinions are of the author and do not reflect those of NSA/CSS
 - No laws or regulations are violated
- Translation:
 - Using publicly available information
 - No affiliation (or a disclaimer)

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Initial Prepublication Review

- RD personnel acting in a private capacity:
 - If it includes official NSA/CSS information
 - If it notes the author's current or former affiliation with NSA/CSS
 - If it contains non-public knowledge gained while working with NSA/CSS

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Initial Prepublication Review

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- Performed by the RD TD or delegate
 - Our delegate is [redacted] will be soon)
 - Can be as simple as a quick conversation with the decision documented
- If the RD TD (or delegate) finds official NSA/CSS information, prepublication review will be completed
- If the RD TD (or delegate) finds no official NSA/CSS information, further prepublication review is not required

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Prepublication Review

- Submit to [redacted] with information on when and where it will be released
- Reviewers
 - Three technical reviewers
 - Classification review
 - Policy review
- Estimated time is 3-4 weeks
- Recorded in the Research Registry
- Release in another venue would trigger the initial prepublication review and likely result no additional review needed

[redacted]
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Classification Review

- Conducted on all requests for public dissemination of official NSA/CSS information
- [redacted] is our CAO

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Examples

- Resumes
 - Must always go through prepublication review
 - Do a CAO review and then submit to “go resume” on NSANet
 - Or, submit via nsa.gov website
- Android/iPhone apps
 - If in a private capacity, no review needed
- Dissertations (and other lengthy documents)
 - Initial prepublication review at a minimum if related to official work
 - Entire document will need to be reviewed (context is important)
- NSA funded
 - Initial prepublication review at a minimum
- Multiple conference submissions
 - Include that information up front (if you want to add to the list later an initial review is likely to be the only review necessary)
- Developing a joint proposal/paper with an “outsider”
 - Not a public release until finalized

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After being debriefed

- Follow NSA/CSS Policy 1-30
- Submit anything that needs to be reviewed to the NSA external website

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Summary

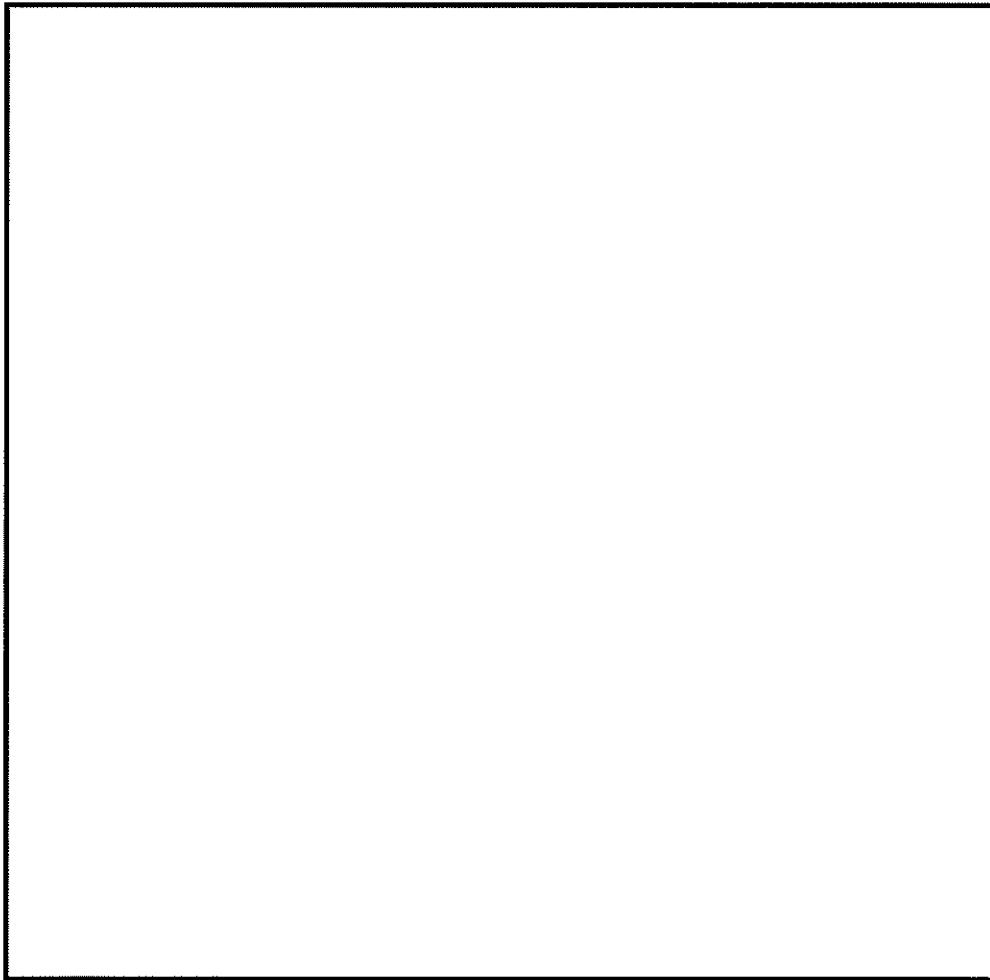
- Prepublication and classification review are required if:
 - You are using official NSA/CSS information
 - You are claiming a current or former affiliation with NSA/CSS
 - You are using non public information learned while working with NSA/CSS
- Initial prepublication review and classification review can be done locally

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